Dear Jim, Counsil/Exemption 7/ My Record and the Government's 5/12/74

Before I forget, Lil has a surplus of pepper plants she potted yesterday, so find out how many you and Mary want.

I did too much physical work yesterday, so I fell into asleep sitting up at 9 and slept until Lil awakened me at 12:15, when I immediately fell asleep in bed and slept until about 4. Intending to be a good "boy" and get some rest to make up for it, I lay abed. But I didn't sleep more. Instead I used the time to think. It is about one of the things of which I thought that I wrote, indicated above.

It seems to me that once before I addressed this, perhaps in response to the Rancher line.

I begin with what another might take as an argument but I think you will understand as intended to justify a line of reasoning. Relate to note that events more than justified this reasoning and the record shows it.

When the ACLU copped out on me on handling FOI cases, which perhaps explains their hanging (just after the law was passed and before it was effective) I next turned to Bud, and this was right after the law was effective, summer 1966. He then and for a long time would not and I would not be put on, fearing the setting of adverse precedent. Finally he agreed to and he then wasted my case off with one change of mind after another before he did anything. As you may recall, I did an enormous amount of wasted work.

The thing that sold him was my showing him what he himself agreed was a perjurious affidavit in support of an Exemption 7 claim. So, when confronted with the same things, as I was certain would happen and told him in advance, as you know he also copped out on a direct attack and as a result you have the specious disaster now of what should have been the most solid suit of its kind. I repeatedly refused to file others because without correction it is that solid and I did want it to serve as a good precedent. The hanging on the FBI was predictable. In fact, I predicted it.

We are today in a comparable situation with the judges, and I do propose doing something, with the prediction that if we don't that provision will be used exclusively as a legitimatizing of what it was enacted to prevent. The law will be gutted.

I have made many requests, I have done more writing in my files than all who can be considered serious writers combined. And not only have I not once used material that can be properly described in Exemption 7 terms, I have not asked for it. Moreover, where the government has released, as it has, what should have been withheld - and the examples are beyond counting - I have not once used it. Where I did use a document of this nature, in publishing it I destroyed all identifications. It dealt with allegations of homosexuality and it is in Oswald in New Orleans.

Unlike others, I agree with some of the exemptions, if not all, and my arguments with others on specific instances are numerous. In correspondence alone I can remember Paul and Shattuck, of ACLU. I know too much about how the innocent can be and have been hurt and I agree with the legitimate interpretation of Exemption 7 in particular.

If there is a single case in all my countless requests where I ever asked for anything properly Exemption, on the mere allegation of it I dropped the request. I don't think I ever made a single such request. Bracketing this I think a study of my requests will show an amazing and impressive consistency. I asked for only that which had been used (American Mail) and never anything that could disclose the identity of an informant, for example. Yet there is a case where DJ did identify an informant and neither Paul nor I have used it. When I asked Tom Kelley for the Baldwin stuff and he said Baldwin was sick in a way that made me believe it, I dropped that on the spot. When Mitchell declassified the Valle file- I just kept after this pretty hot- and a special set of copies was sent me, I refused to use it because of its nature, his illness and his sex problems and his psych. record. Nor have I distributed copies. Or, I have a good record of which this is not all.

What is the record on the other side? Endless lies, false swearing that I am certain crosses into perjury; wrongful classifications that reaches upward to the classifying of public, court records and the denial to me in two cases of what was used in court and was published internationally, including in fraudulent a puerile effort to destroy the proof of this, in my possession in the envelope in which it was mailed to me by Klein(lawyer); countless deceptions of courts; deliberate withholding from me what could not be withheld until it could be leaked to one whose silence could be depended upon (in one case Rhoads personally solicited this reporter to ask for it under FOI after refusing it to me for a long time and then violating his regulations by not giving me equal access, not even mailing me a copy until long after publication); altering regulations after the fact to withhold what the regulations required be given to me; and I guess I could add to this by consultation with my files.

In two cases that I can think of I was solicited to use what could serve ulterior and wrongful government purposes. One had to do with the effort to defame the JFK family, the altercation I had with everyone else you should remember. Rhoads and CIA both actually solicited me in writing to apply for access. You may remember that I anticipated what happened and asked if Ray would serve as my expert if I thereafter wanted to make request to try to undo harm that would be done. And Marion Johnson called my attention to the deplorable defamation of the defamation of Marguerite Oswald, her living out of wedlock with Rabbi.

What of the judges on this? In case after case I alleged and/or offered proof of perjury on Exemption 7. This includes Gesell, as does the rewriting of the regulation. I think we can gather an impressive record of false swearing that in several instances has to be real perjury. Like Rhoads swearing that I hadn't even applied, the most basic consideration under FOI. And Andersen swearing he had deliberated what he refused to deliver, in the presence of a witness, with further proof the covering letter with which it was later delivered. Many cases. I also wrote Mitchell about this, Kleindienst, too. But they they were the employers of the perjurers and Kleindienst the original liar? I can even produce a tape of a conversation with a deputy Deputy AG in which he told me right out that they ignored the AG's controlling memo on the law and another of another phone conversation with Vinter in which he by begged me to go to court instead of making him handle appeals.

Some of what I did get despite all this hanky-panky would be one of the more effective ways of doing something about these improprieties if I can even get the book in which they are included printed but I will not give them away. I make whatever efforts I can, as recently as this past week with Childs and the Sunday Times, offering world rights in a deal for printing the book, with which he is impressed, plus the right to condense commercially, etc. Here the hanky-panky is in the content of their destruction of the evidence when ordered to give it to me plus the incredible meaning of all of it, the most unassailable proofs you will ever see. Ed Kubek can give you an evaluation of the text alone. He does not have the documents, the appendix...The amount of work in this one project is more than enough for 40 PhDs. It goes back to 1964 and began intensively in 1966 and you know how I work!

What I am also saying is that in each and every case where I have been refused I can provide the motive because I have not in any case asked for anything the content of which I did not have or know. I was not about to let myself be misused for the political purposes clear to me. In 2003-73, for example, as you know, aside from what Ford wrote, which includes the false leads, I have the correct info in a secret name and have interviewed more than the two members of the Warren Court of Inquiry of which you know. I know from an original Texas official source the whole damned story and I have recently developed confirmation from still another original source. But this also I am not about to blow because the book is partly written and entirely researched.

Back to Gesell: when I wanted to appeal and was broke and filed a statement in forma pauperis and had no income and my only asset a heavily-mortgaged home he denied it outright. Had I been able to appeal, I'd have proven how he was deliberately deceived and that the regulations were tampered with, etc. I believe he knew it and that he knew all along this was happening. I believe he has his own hangup(s) and that despite his better than average record this is the most improper thing for a judge. He must be without hangups or should disqualify himself.

As I have noted before, in this case I deliberately confronted him with a conflict in the sworn-to material. I interpret this as proof that Ruckin knowingly swore falsely to the most material, that which Gesell had asked for as the basis of deciding, and that his perjury was subornedd by those who knew it. One means, if there is the legal means, is to demand prosecution of either Ruckin or of me, for perjury. The demand could include this long list of judicially-ignored false swearing by a variety of officials, ranging from agency heads down to FBI agents. I mean the plural. I have a Kansas case, the one that impressed Bud.

Of course the other is a suit for money damages. I have wanted to file this from the time I first read the report of the Administrative Conference, which lays out the legal basis for it.

The paper should be here by now, it is time to make Lil's tea and serve it to her in bed, and thereafter I want to pick up the writing I'm doing, so I'll end here, with one suggestion: why not take this up with your Nader contacts? They have much interest in this corruption, really vomiting of the law. If the various groups in a position to help had not refused from the outset, the legal history of the law would have been entirely different, such was the nature of the cases I had selected. Maybe they will now see or find some way to help or make suggestions. If you decide to, they may have this for I have no doubt they will not use what is in it that can defame others.

Let me leave the record clear on my approach to the ACLU. First it was with Ruth Isbell, of Covington, Burling, then in the Union Trust Bldg. I also took him to the Archives several times and showed him Ingraham, showing him (including with the use of the color slides). He asked me to write a memo to Aryeh Neeman. I did. And never got any answer. Isbell, apparently on the assumption that at some point the feds would come after me because of the hurt my work could do them, also sent me to a lawyer named Rauschkolb. I think on 19th St. NW, so I could call him if they arrested me on some trumped-up charge. To this you might want to add for the Nader people the proofs of which you know of federal intrusions into my life and rights.

Ruthly.